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STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF BURLEIGH

SOUTH CENTRAL JUDICIAL DISTRICT

STATE OF NORTH DAKOTA EX REL.  
WAYNE STENEHJEM,  
ATTORNEY GENERAL,

Civil No. **07 C 2402**

Petitioner,

-VS-

**ORDER OF APPROVAL**

SHARON PINCOUS, Individually; and  
SRP ENTERPRISES, INC.

Respondents.

CPAT 070212.001

Pursuant to the authority of this Court provided in N.D.C.C. § 51-15-06.1,

IT IS HEREBY ORDERED that the attached Assurance of Voluntary Compliance  
is approved as an assurance of discontinuance as specified in N.D.C.C. § 51-15-06.1.

The Clerk of Court shall receive and file this Assurance of Voluntary Compliance.

Dated this 18<sup>th</sup> day of Nov., 2007.

BY THE COURT:

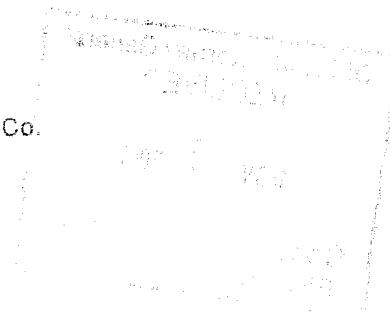
*[Signature]*  
Judge of the District Court

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Clk. of Ct. Burleigh Co.



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COUNTY OF BURLEIGH

IN DISTRICT COURT  
SOUTH CENTRAL JUDICIAL DISTRICT

STATE OF NORTH DAKOTA EX REL.  
WAYNE STENEHJEM,  
ATTORNEY GENERAL,

Petitioner,

-vs-

SHARON PINCOUS, Individually; and  
SRP ENTERPRISES, INC.

Respondents.

Civil No. **07 C 2402**

**ASSURANCE OF  
VOLUNTARY COMPLIANCE**

CPAT 070212.001

To each person or entity identified below, hereinafter "Respondents":

Sharon R. Pincous  
322 W. 57th Street, Apt. 14A  
New York, NY 10019  
and  
362 5th Avenue, #1201  
New York, NY 1001-2210  
and  
254 Park Avenue, #3K  
New York, NY 10010-7209  
917-699-6644

SRP Enterprises, Inc.  
347 57th Avenue, Ste. 1005  
New York, NY 10016-5010  
and  
25 W. 36th Street, 10th Fl.  
New York, NY 10018  
212-736-6995  
212-994-2308  
212-481-1395  
srpenterprises@yahoo.com  
srpenterprises.com

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WHEREAS Wayne Stenehjem, Attorney General of the State of North Dakota (hereinafter "Attorney General"), acts in the public interest pursuant to North Dakota Century Code ("N.D.C.C.") chs. 51-15 (commonly referred to as the Consumer Fraud Statute), 51-18 (commonly referred to as the Home Solicitation Statute), and 53-11 (commonly referred to as the Contest Prize Notice Statute); and

WHEREAS Respondents are engaged in the business of soliciting and selling merchandise, as those terms are defined in N.D.C.C. § 51-15-01, and consumer goods or services as that term is defined in § 51-18-01, in the State of North Dakota, namely soliciting and selling travel packages in conjunction with and on behalf of time-share property sellers; and

WHEREAS the Attorney General has determined that in the public interest an investigation should be conducted into the activity of Respondents to ascertain whether violations of chs. 51-15, 51-18 and/or 53-11 have occurred; and

WHEREAS N.D.C.C. ch. 51-15 prohibits the act, use, or employment by any person of any deceptive act or practice, fraud, false pretense, false promise, or misrepresentation, with the intent that others rely thereon in connection with the sale or advertisement of any merchandise, whether or not any person has in fact been misled, deceived, or damaged thereby and further it is a deceptive act or practice in violation of that chapter for any person to provide assistance or support to any person engaged in any act or practice in violation of that chapter when the person providing assistance or support knows or consciously avoids knowing that the other person is engaged in an act or practice in violation of that chapter; and

WHEREAS N.D.C.C. ch. 51-18 regulates home solicitation sales and requires, among other things, that sellers provide North Dakota consumers with both oral and written cancellation rights; and

WHEREAS N.D.C.C. ch. 53-11 regulates, among other things, the required disclosures with respect to the awarding of prizes under North Dakota law; and

WHEREAS, the Attorney General has received one or more consumer complaints and/or other information indicating Respondents, among other things:

- failed to provide North Dakota consumers notices of cancellation as provided by North Dakota law;
- misrepresented to consumers that they had won a contest prize, when in fact Respondent was merely offering to sell a discounted travel package for purposes of inducing consumers to purchase time-share real estate;
- failed to make the required disclosures with respect to the award of a contest prize;

and

WHEREAS as a result of this investigation the Attorney General has reason to believe Respondents have violated N.D.C.C. chs. 51-15, 51-18 and 53-11; and

WHEREAS the parties desire to settle the alleged violations, without an admission of liability on the part of Respondents;

NOW THEREFORE it is hereby agreed:

1. This Assurance of Voluntary Compliance shall constitute the statutory assurance of discontinuance as provided in N.D.C.C. § 51-15-06.1. Respondents acknowledge *in personam* jurisdiction in North Dakota. Nothing in this Assurance of

Voluntary Compliance is intended to waive any rights or private remedies available to consumers. See also N.D.C.C. § 51-15-09. Respondents shall be jointly and severally liable for all amounts due, or which may become due, under this Assurance of Voluntary Compliance.

2. Respondents, all directors, officers, principals, employees, agents, contractors, servants and all other persons in active concert or participation with them, whether directly or indirectly, voluntarily agree to be and are permanently enjoined from engaging in the sale of merchandise in North Dakota, or transacting business of any kind in North Dakota.

3. Respondents, upon execution of this agreement, will identify (including but not limited to name, address, telephone number, e-mail address and any other contact information) and issue refunds to all North Dakota consumers to whom Respondents have made sales. **The refund checks should be made payable to the individual consumers and sent to the Office of the Attorney General, at the address listed below,** along with the original signature page of this document.

4. Respondents, upon execution of this agreement, will surrender to the Attorney General the originals (and all copies, compilations, summaries or the like) of all North Dakota lead slips they have purchased, and will not use that information to contact or solicit any North Dakota consumers.

5. Respondents agree they will comply with this Assurance of Voluntary Compliance and further acknowledge and agree any violations of this Assurance of Voluntary Compliance shall be punishable as contempt of court pursuant to N.D.C.C. ch. 27-10. Further, Respondents may be subject to all other civil penalties and

sanctions provided by law, including attorney fees and costs with respect to past violations of North Dakota law in addition to with respect to any new violations. Respondents agree to pay a civil penalty of at least \$1,000 per violation for any violations of this Assurance of Voluntary Compliance, or any future violations of N.D.C.C. chs. 51-15, 51-18 or 53-11; provided, however, the Attorney General shall not be precluded from seeking more than \$1,000 per violation, or any other remedies provided in N.D.C.C. ch. 51-15 or other North Dakota law. Respondents agree that in the event violation of this Assurance of Voluntary Compliance, the Attorney General may pursue all claims and complaints – past, present and future – against Respondents as well as retain any payments already made.

If any Respondent is adjudged in contempt of court for violations of this Assurance of Voluntary Compliance, adjudged in violation of this Assurance of Voluntary Compliance or adjudged in violation of N.D.C.C. chs. 51-15, 51-18 and/or 53-11, Respondents shall also be responsible for payment to the Attorney General for reasonable investigation costs, expenses and attorney fees.

6. Upon execution of this agreement, Respondents shall make a payment to the Attorney General in the sum of \$1,000 dollars in lieu of civil penalties, investigation costs and attorney fees. Payment shall be the form of a certified check or money order payable to **Office of Attorney General – North Dakota**, and delivered to:

Consumer Protection  
& Antitrust Division  
Office of Attorney General  
4205 State Street  
Bismarck, ND 58503-0623  
Attn: JPThomas

7. In the event of a breach of this Assurance of Voluntary Compliance, the Attorney General may, without further notice to Respondents, make application to a State of North Dakota District Court to have all amounts still owing under the Assurance of Voluntary Compliance entered as a formal judgment so it may be filed on the judgment roll and docketed pursuant to North Dakota law. See N.D.C.C. §§ 28-20-11, -12 and -13. Respondents agree that an Affidavit of Non-Compliance of the Office of Attorney General shall be *prima facie* evidence of each violation of this Assurance of Voluntary Compliance.

8. Each signer below represents it is competent and fully authorized to act on behalf of its respective Respondent, whether in an individual or representative capacity. Respondents acknowledge they have been provided the opportunity to review this Assurance of Voluntary Compliance with an attorney, understand the implications and obligations imposed by it and have freely and knowingly entered into this Assurance of Voluntary Compliance rather than contest the allegations on the merits. Respondents further acknowledge and agree this Assurance of Voluntary Compliance may be approved by and filed with the State of North Dakota District Court without any further notice or hearing. Signatures transmitted electronically or via facsimile by Respondents shall be deemed the equivalent of original signatures; this document may be executed in counterparts, with each counterpart deemed an original.

**Sharon R. Pincous**

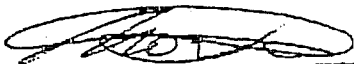
(including all "doing business as" names, aliases or  
fictitious names of any kind or variations of the same)



Individually

STATE OF New York }  
COUNTY OF New York } ss

Subscribed and sworn to before me this  
29 day of October, 2007.



Notary Public

MONICA I. McFARLANE  
Notary Public, State of New York  
Qualified in Queens County  
No. 01MC0058416  
Commission Expires May 7, 2011



**SRP Enterprises, Inc.**

(including all "doing business as" names, formal corporate names, fictitious names of any kind or any variations of the same)

By: \_\_\_\_\_

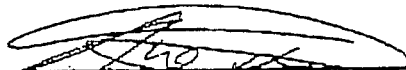


Sharon Pincois  
(print name)

president  
(Title)

STATE OF New York }  
COUNTY OF New York } ss

Subscribed and sworn to before me this  
29 day of October, 2007.



Notary Public

MONIDA I. McFARLANE  
Notary Public, State of New York  
Qualified in Queens County  
No. 01MC8068418  
Commission Expires May 7, 2013

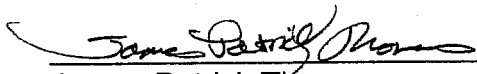
This Assurance of Voluntary Compliance is hereby received and accepted.

Dated this 31<sup>st</sup> day of October, 2007.

**STATE OF NORTH DAKOTA**

Wayne Stenehjem  
Attorney General

By:

  
James Patrick Thomas  
ID No. 06014  
Assistant Attorney General  
Consumer Protection and  
Antitrust Division  
Office of Attorney General  
4205 State Street  
PO Box 1054  
Bismarck, ND 58502-1054  
(701) 328-5570

Attorneys for Petitioner